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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/991,280

11/15/2001

Masayuki Toyokawa

2933PE-2

3701

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03/03/2004

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EXAMINER

RIVELL, JOHN A

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 03/03/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,280

Applicant(s)

TOYOKAWA ET AL.

Examiner

John Rivell

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/13/04 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 6-10 is/are allowed.
- 6) ☒ Claim(s) 11,12 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 9, 2004 has been entered.

Claims 2-5 and 13-14 have been canceled. Claims 1, 6-12 and 15 are pending.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roos in view of Neuschotz.

The patent to Roos clearly discloses "a cylindrical elastic member (12) formed from a rubber material, wherein the elastic sealing member receives a fitting body (18), the elastic sealing member comprising: a mounting hole (defined within interior surface 30) for receiving the fitting body (18); and a pressed portion (read as the lower internal section of the gasket 12 which, after insertion of male threaded member 18, forms bead

46 to complete mounting of the male member 18 to the hole 14 or both the above section of the gasket and the combined segments 38, 40, 42) formed on the inner surface defining the mounting hole and pressed by the fitting body (18)..., wherein the pressed portion (i.e. segments 38, 40, 42 and the inner surface of the gasket) radially expands the elastic sealing member when pressed by the fitting body" as claimed and as set forth in column 3, line 54 through column 4, line 5 of Roos.

Thus Roos discloses all the claimed features with the exception of having "a stopper for preventing the elastic sealing member from rotating when the mounting hole receives the fitting body".

This feature called for by the claims is directed to a feature peculiar to couplings in general which couple pipe sections together by threads, including an intermediate grommet therebetween accepting one of the coupled items. Such a coupling detail is not exclusive to the coupling of a valve element to a fluid conducting bore/hole but can be found in any coupling system in which pipe sections are coupled together using an intermediate grommet to seal the coupling.

The patent to Neuschotz discloses that it is known in the art to employ a "stopper" at 34, attached to an intermediate "grommet" 12 used to couple two pipe sections 13', 10 to each other and conducting fluid pressure therethrough, which structure forms corresponding "structure" in the "coupling hole" (as shown at 34 of fig. 3) for the purpose of threadedly coupling two pipe sections fluid tightly together wherein the "grommet" is held from rotating with the threaded attached pipe when being assembled thus precluding potential damage to the "grommet" 12 should the "grommet" otherwise rotate during assembly.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Roos a "stopper" cooperating between the

"grommet" and "hole" of Roos for the purpose of threadedly coupling two pipe sections fluid tightly together wherein the "grommet" 12 of Roos is held from rotating with the threaded attached pipe 18 when being assembled thus precluding potential damage to the "grommet" 12 should the "grommet" otherwise rotate during assembly as recognized by Davis et al.

Claim 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. in view of Schirado et al.

The patent to Davis et al. discloses, in figure 3, "a flow control valve (generally at 12, fig. 1) received in a predetermined coupling hole (16), the valve comprising; a fitting portion (18) engaged with the coupling hole and having a peripheral surface, wherein a male thread (28) is formed on the peripheral surface; and a main body (read above threaded section 28) connected to the fitting portion and formed from synthetic resin, wherein the main body has a... rotating portion for rotating the fitting portion when engaging the flow control valve with the coupling hole" as claimed in claim 11.

The patent to Davis et al. thus discloses all the claimed features with the exception of having "a hose connector connected to the rotation portions to connect a tubing hose, wherein the rotating portions are thin plates extending from opposite sides of the house [hose ?] connector and are used to position the tubing hose when connecting the tubing hose to the hose connector".

The patent to Schirado et al. discloses that it is known in the art to employ "thin plates" at grips 8 oppositely extending from a valve housing 20/tubing connector 6,7 which threads the valve element/tubing connector to a location hole at 37 for the purpose of permitting the user to manually grasp the tubing connector/valve housing and allowing the user to twist and install the connector/valve housing to the opposing coupling piece manually with a simple twist.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Davis et al. thin plates oppositely extending from the valve housing 18 which threads the valve element to a location hole in the crankcase 14 for the purpose of permitting the user to manually grasp the tubing connector/valve housing and allowing the user to twist and install the connector/valve housing to the opposing coupling piece manually with a simple twist as recognized by Schirado et al.

Regarding applicants remarks as they may apply concerning claim 15, the prior art as explained above is believed to readily suggest to one of ordinary skill in the art all of the claimed features as recited.

Concerning claim 11, the patent to Schirado et al. is believed to readily suggest to one of ordinary skill in the art the desirability of manually graspable oppositely disposed "thin plates" for the purpose of permitting installation with a simple manual twist of the wrist.

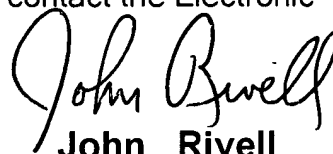
Claims 1 and 6-10 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (703) 308-2599. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Rivell
Primary Examiner
Art Unit 3753

j.r.